

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1608
(316) 268-4561

March 27, 1990

John & Sue Pearson
355 N. Quentin
Wichita, KS 67208

Re: BZA 3-90 - Variance to reduce the side yard setback from
6 ft. to 0 ft. on property zoned "AA" One-Family Dwelling
District at the southwest corner of 3rd & Quentin (355 N.
Quentin).

Dear Mr. & Mrs. Pearson:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 26, 1990. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals


LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

subject to the following conditions:

1. The addition to the house shall not extend beyond the north property line nor shall it extend east beyond the existing east facade of the house.
2. The proposed addition to the house which necessitates this variance shall be completed within one year or the resolution approving this variance shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1990.


Sharon Ryan, President

ATTEST:


Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 3-90

WHEREAS, John and Sue Pearson, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the north side yard setback from 6 ft. to 0 ft. on property zoned the "AA" One-Family District and legally described as follows:

Lots 21 and 22, except the west 41 feet, Replat of Block 2, Brooklyn Heights Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of 3rd and Quentin (355 N. Quentin).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 26, 1990, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the layout of the house does not facilitate this bedroom/bath addition at any other location; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the north side yard is adjacent to a street and there will still be more than 60 feet between the new addition and any adjacent residence; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a recent accident has left the applicant in a wheelchair which prohibits his climbing stairs to the existing master bedroom and bath; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that no utility easements or existing or proposed street right-of-way would be encroached upon by the proposed addition, nor would the addition create a visual barrier for vehicles at this street intersection; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as side yard setbacks are intended to preserve light, air and access between adjacent properties and since this side yard is adjacent to a street, the reduction of the building setback will have no effect on the light, air or access for any adjacent property; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the north side yard setback from 6 ft. to 0 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 21 and 22, except the west 41 feet, Replat of Block 2, Brooklyn Heights Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of 3rd and Quentin (355 N. Quentin).

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no utility easements or existing or proposed street right-of-way would be encroached upon by the proposed addition nor would the addition create a visual barrier for vehicles at this street intersection.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as side yard setbacks are intended to preserve light, air and access between adjacent properties and since this side yard is adjacent to a street, the reduction of the building setback will have no effect on the light, air or access for any adjacent property.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The addition to the house shall not extend beyond the north property line nor shall it extend east beyond the existing east facade of the house.
2. The proposed addition to the house which necessitates this variance shall be completed within one year or the resolution approving this variance shall be considered null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 3-90

OWNER/APPLICANT/AGENT: John & Sue Pearson, owner/applicant

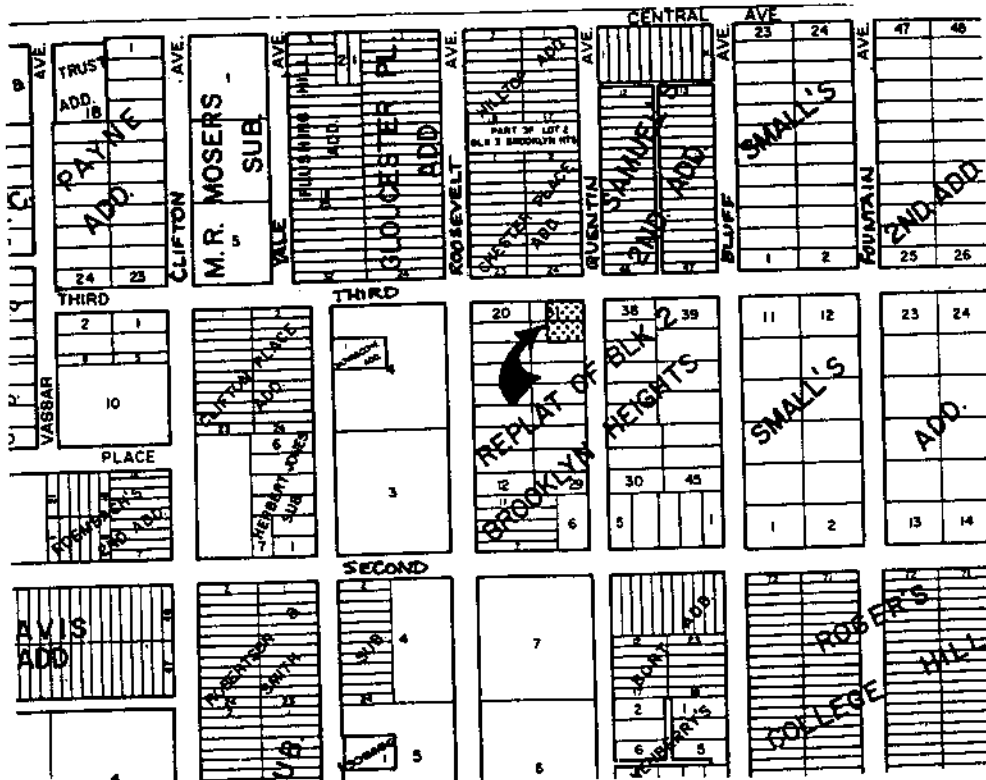
REQUEST: Variance to reduce the side yard setback from six feet to zero feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 100 ft. x 92.3 ft.

LOCATION: Southwest corner of Third and Quentin (355 N. Quentin)

PROPOSED USE: First floor bedroom and bathroom addition to the existing residence.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by the State Statutes, are found to exist.

BACKGROUND: The applicants are requesting a variance of the north side yard setback from six feet to zero feet in order to accommodate an addition of a first floor bedroom and bathroom to the existing one-family residence. Judge Pearson is now confined to a wheelchair as a result of an accident last fall and states in his letter requesting this variance that "it is only with great difficulty that I am able to use the existing master bedroom and bathroom in the house."

The application area consists of a portion of two platted lots fronting on Quentin. The requested side yard setback reduction is on the north adjacent to Third Street. Since there are no platted setbacks in this subdivision, the six-foot side yard setback specified in the zoning ordinance applies. In the absence of a survey of the property, it cannot be determined with absolute certainty where the north property line is but if the "sidewalk section" in the driveway is properly located, there appears to be 15 feet from the north face of the existing structure to the north property line. Also approximately 15 feet from property line to curb. A garage belonging to the neighbor to the west is situated 3 or 4 feet from that north property line.

Third Street has 60 feet of right-of-way but only 20 feet of paving width rather than the usual 30 feet. There is sufficient right-of-way to accommodate widening of the street should that ever be proposed.

A stand of high-branching evergreen trees exists along the north and northeast sides of this property.

ADJACENT ZONING AND LAND USE:

NORTH	AA	One-family dwelling
SOUTH	AA	One-family dwelling
EAST	AA	One-family dwelling
WEST	AA	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the layout of the house does not facilitate this bedroom/bath addition at any other location.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the north side yard is adjacent to a street and there will still be more than 60 feet between the new addition and any adjacent residence.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as a recent accident has left the applicant in a wheelchair which prohibits his climbing stairs to the existing master bedroom and bath.